

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 21, 2004

Division: Growth Management

Bulk Item: Yes ☐ No ☒

Department: Planning

**AGENDA ITEM WORDING:**

Public hearing to consider a DCA Transmittal Resolution of an amendment to Policy 101.6.2 on the Monroe County Year 2010 Comprehensive Plan to provide the Land Authority greater latitude in the acquisition of land from willing private owners.

**[One public hearing required]**

**ITEM BACKGROUND:**

Objective 101.6 directs the County to expand the Monroe County Land Authority acquisition program to purchase land from property owners who have applied but have not received a ROGO permit for four years (Administrative Relief).

Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan requires the Monroe County Land Authority dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from property owners through Administrative Relief. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners.

Mark J. Rosch, Executive Director of the Monroe County Land Authority, in an August 8, 2003 memorandum to James L. Roberts, Monroe County Administrator, discussed the limits for acquisition imposed by Policy 101.6.2. The memorandum is attached as "Exhibit A".

At the 11/24/03 DRC public meeting, the DRC recommended the Staff Text. At the 12/3/03 PC public hearing, the PC revised the DRC text and recommended a revised text that limits acquisition to environmental areas. Staff continues to support the version which offers the Land Authority greater latitude in the acquisition of land. Both Planning Department and Planning Commission versions are included.

**PREVIOUS RELEVANT BOCC ACTION:**

At the BOCC public hearing of August 20, 2003, after a review and discussion of the Mark Roth memorandum, the Monroe County Board of County Commissioners directed the Growth Management Division of the County to amend the Comprehensive Plan and take other necessary steps in order to implement the Florida Keys Carrying Capacity Study (Goal 105 of the Comp Plan), and to provide the Land Authority greater latitude in the acquisition of land from willing sellers (BOCC Resolution 346-2003).

**CONTRACT/AGREEMENT CHANGES:** None.

**STAFF RECOMMENDATIONS:** Approval

**TOTAL COST:** N/A

**BUDGETED:** Yes N/A No ☐

**COST TO COUNTY:** N/A

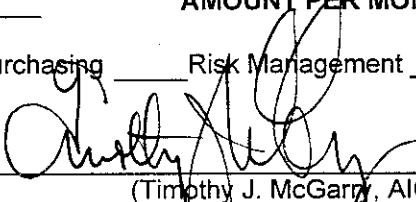
**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes N/A No ☐

**AMOUNT PER MONTH** N/A Year ☐

**APPROVED BY:** County Atty ☒ OMB/Purchasing ☐ Risk Management ☐

**DIVISION DIRECTOR APPROVAL:**

  
(Timothy J. McGarry, AICP)

**DOCUMENTATION:** Included ☒

To Follow ☐ Not Required ☐

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** R2

**AMENDMENT TO THE MONROE COUNTY YEAR  
2010 COMPREHENSIVE PLAN**

**Transmittal Hearing**

Board of County Commissioners  
Harvey Government Center  
January 21, 2004

## **PROPOSED AMENDMENT TO MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN**

A request filed by the Monroe County Department of Planning concerning an amendment to Policy 101.6.2 for the purpose of providing the Land Authority greater latitude in the acquisition of land from willing private owners.

### **Comprehensive Plan Recommendations**

Staff	<b>Approval</b>	October 15, 2003	Staff Report
DRC	<b>Approval</b>	November 24, 2003	Resolution #D35-03
PC	<b>Approval</b>	December 3, 2003	Resolution #P79-03

# **TRANSMITTAL RESOLUTION**

**(Planning Commission)**

**RESOLUTION NO. \_\_\_\_\_ -2004**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND POLICY 101.6.2 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN TO PROVIDE THE LAND AUTHORITY GREATER LATITUDE IN THE ACQUISITION OF LAND FROM WILLING SELLERS.

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**WHEREAS**, the Monroe County Board of County Commissioners held a public hearing on January 21, 2004, for the purpose of considering the transmittal to the Florida Department of Community Affairs, for review and comment, a proposed amendment to Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan; and

**WHEREAS**, the Monroe County Board of County Commissioners support the recommendation proposed by the Monroe County Development Review Committee (DRC Resolution No. D35-03) to amend Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan; and

**WHEREAS**, the Monroe County Board of County Commissioners support the recommendation proposed by the Monroe County Planning Commission (PC Resolution No. 79-03) to amend Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:**

**Section 1.** The Board of County Commissioners does hereby adopt the recommendations of the Planning Commission pursuant to the draft ordinance for the adoption of the proposed amendment to Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan; and

**Section 2.** The Board of County Commissioners does hereby transmit the proposed amendment to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Sections 163.3184 and 380.0522, Florida Statutes; and

**Section 3.** The Monroe County Staff is given the authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirement of 9J-11.006 of the Florida Administrative Code; and

**Section 4.** The Clerk of the Board is hereby directed to forward a copy of this resolution to the Director of Planning and Environmental Resources.

PASSED AND ADOPTED by the Board of County Commissioners  
of Monroe County, Florida, at a regular meeting of said Board held on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2004.

Mayor Nelson  
Mayor Pro Tem Rice  
Commissioner McCoy  
Commissioner Neugent  
Commissioner Spehar

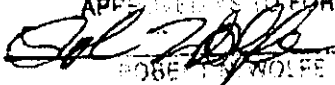
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SEAL)  
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor/Chairperson

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
  
ROBERT F. WOLFE  
CHIEF ASSISTANT COUNTY ATTORNEY  
Date 1-5-03

# **BOCC ORDINANCE**

[PLANNING COMMISSION PROPOSED TEXT]

**ORDINANCE NO. -2004**

**AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A REQUEST OF THE MONROE COUNTY PLANNING DEPARTMENT TO AMEND POLICY 101.6.2 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN GIVING THE LAND AUTHORITY GREATER LATITUDE IN SPENDING FUNDS TO ACQUIRE LANDS FROM WILLING SELLERS; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Objective 101.6 directs the County to expand the Monroe County Land Authority acquisition program to purchase land from property owners who have applied but have not received a ROGO permit for four years (Administrative Relief); and

**WHEREAS**, Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan requires the Monroe County Land Authority to dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from property owners through Administrative Relief; and

**WHEREAS**, funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners; and

**WHEREAS**, Mark J. Rosch, Executive Director of the Monroe County Land Authority, in an August 8, 2003 memorandum to James L. Roberts, Monroe County Administrator, discussed the limits for acquisition imposed by Policy 101.6.2. **The memorandum is attached as "Exhibit A"; and**

**WHEREAS**, after a review and discussion of the memorandum by the Monroe County Board of County Commissioners, the Commission directed the Growth Management Division of the County to amend the Comprehensive Plan and take other necessary steps in order to implement the Florida Keys Carrying Capacity Study, Goal 105 of the Monroe County Year 2010 Comprehensive Plan, and BOCC Resolution 346-2003 to provide the Monroe County Land Authority greater latitude in the acquisition of land from willing owners; and

**WHEREAS**, BOCC Resolution 346-2003 designated and mapped Conservation and Natural Areas that are areas proposed for future acquisition by the County, State, and Federal agencies for conservation or resource protection; and



**WHEREAS**, the Monroe County Board of County Commissioners, on August 20<sup>th</sup> 2003, directed the Growth Management Division staff to prepare amendments to the Monroe County Year 2010 Comprehensive Plan that will permit Land Authority ROGO reserve funds currently dedicated for administrative Relief to also be used to acquire other lands from willing owners in the Conservation and natural areas; and

**WHEREAS**, funds accumulated in the Land Authority ROGO reserve shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties proposed for acquisition by governmental agencies for the purposes of conservation or resource protection; and

**WHEREAS**, the Board finds that there is a need to amend Policy 101.6.2 in order to expand the opportunities for the Land Authority to acquire privately

**WHEREAS**, at the Development Review Committee public meeting of November 24, 2003, the Committee recommended approval of the proposed amendment; and

**WHEREAS**, at the Planning Commission at a public hearing of December 3, 2003, amended the staff recommendation and limited acquisition to only environmental areas and recommended the amended text; and

**WHEREAS**, this Board reviewed the following:

1. Staff report prepared on December 12, 2003 by Fred Gross, Director of Lower Keys Planning Team.
2. Memorandum of August 8<sup>th</sup>, 2003 prepared by Mark J. Rosch, Executive Director, Land Authority.
2. The sworn testimony of the Growth Management Staff; and

**WHEREAS**, this Board finds that the proposed change is consistent with Section 9.5-511(d)(5) b. (iv) New Issues and (v) Recognition of a need for additional detail or comprehensiveness; and

**WHEREAS**, this Board finds that the proposed change is consistent with the goals of the Monroe County Year 2010 Comprehensive Plan;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

Underlined text is new.

**Section 1. Objective 101.6**

**Policy 101.6.2**

By fiscal year 1998, the Monroe County Land Authority shall dedicate a minimum of 35 percent of its annual budget each year for the purpose of acquiring land from qualified property owners as defined by Policy 101.6.1. Funds accumulated from this source shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties proposed for acquisition by governmental agencies for purposes of conservation or resource protection.

**Section 2.** If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**Section 4.** The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

**Section 5.** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

**[The balance of this page is intentionally left blank]**

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2004.

Mayor Murray Nelson \_\_\_\_\_  
Mayor Pro Tem David P. Rice \_\_\_\_\_  
Commissioner Charles "Sonny" McCoy \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner Dixie Spehar \_\_\_\_\_


BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Murray Nelson

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK

\_\_\_\_\_  
DEPUTY CLERK

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
  
ROBERT N. WOLFE  
CHIEF ASSISTANT COUNTY ATTORNEY  
Date 12-31-03

## EXHIBIT "A"



## Exhibit "A"

# MONROE COUNTY LAND AUTHORITY

1200 TRUMAN AVENUE, SUITE 207 • KEY WEST, FLORIDA 33040  
PHONE (305) 295-5180 • FAX (305) 295-5181

## MEMORANDUM

TO: James L. Roberts, County Administrator

FROM: Mark J. Rosch, Executive Director  
Monroe County Land Authority

*MR*

DATE: August 8, 2003

SUBJECT: Land Authority ROGO Reserve

Pursuant to Policy 101.6.2 of the Monroe County Year 2010 Comprehensive Plan, the Monroe County Land Authority has established a budgetary reserve for the purchase of property to provide administrative relief to ROGO applicants. Since FY 93, the Land Authority has set aside 35% of its recurring land acquisition revenue into this reserve. To date there have been no expenditures from this reserve and thus the balance has grown over the years to its current level of \$3.4 million. The ROGO reserve in the proposed FY 04 budget is \$3.8 million.

The County's ROGO ordinance has been in effect for 11 years. To date the Land Authority has purchased property from six ROGO administrative relief applicants at a total cost of approximately \$800,000. All but \$12,000 of this total was paid for with State funds that are no longer available (Preservation 2000 funds appropriated to the Land Authority by the Florida Legislature).

The ROGO ordinance creates a contingent liability that is difficult to forecast. The variables include: 1) how many property owners will choose to enter the ROGO competition; 2) how many ROGO allocations will be available for the County to issue; 3) which applicants will compete unsuccessfully for four years and become eligible for administrative relief; 4) which of the eligible applicants will choose to apply for administrative relief; 5) what form of administrative relief the Board will choose to offer; 6) how many eligible applicants will be willing sellers; and 7) the purchase price for a given property.

As of the most recent ROGO ranking approved by the County Planning Commission (April 14, 2003), there were 305 applications denied a ROGO allocation. Of these 305, 48 have already been in ROGO for 4 years and have either declined the Land Authority's purchase offer or have not applied for administrative relief. Depending on the outcome of future rankings, a maximum of 23 additional applications may have been in ROGO for 4 years by this time next year.

What budgetary impact will this situation have? It is impossible to know for sure. After 11 years, the impact has only been \$800,000. Assuming an average assessed value of \$45,000 per parcel, the assessed value of the 48 "4-year olds" is approximately \$2.1 million. By this time next year if the 23 "3-year olds" are still in ROGO, the estimated assessed value of potential administrative relief properties will be \$3.2 million. The estimated assessed value of all 305 applications is \$13.7 million. These figures are only rough estimates, but they illustrate the potential order of magnitude involved and the high degree of uncertainty.

The Land Authority's ROGO reserve was established pursuant to Policy 101.6.2 of the Comprehensive Plan. Should the Board wish to use a portion of the reserve for acquisitions outside of the ROGO administrative relief process, the Board should proceed by directing staff to initiate a plan amendment.

# TRANSMITTAL RESOLUTION

(Staff)

**RESOLUTION NO. -2003**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND POLICY 101.6.2 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN TO PROVIDE THE LAND AUTHORITY GREATER LATITUDE IN THE ACQUISITION OF LAND FROM WILLING SELLERS.

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Mayor Pro Tem David P. Rice  
Commissioner Charles "Sonny" McCoy  
Commissioner George Neugent  
Commissioner Dixie Spehar

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA**


BY \_\_\_\_\_

Mayor Murray Nelson

(SEAL)

ATTEST: DANNY KOHLAGE, CLERK

\_\_\_\_\_  
DEPUTY CLERK

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM:  
  
ROBERT N. WOLFE  
CHIEF ASSISTANT COUNTY ATTORNEY  
Date 12-31-03

# **BOCC ORDINANCE**

[STAFF PROPOSED TEXT]

**ORDINANCE NO. -2004**

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**WHEREAS**, funds accumulated in the Land Authority ROGO reserve shall be reserved for the acquisition of land from qualified property owners, but may also be used to acquire other properties proposed for acquisition by governmental agencies for the purposes of conservation or resource protection; and

**WHEREAS**, the Board finds that there is a need to amend Policy 101.6.2 in order to expand the opportunities for the Land Authority to acquire privately owned land; and

**WHEREAS**, at the Development Review Committee public meeting of November 24, 2003, the Committee recommended approval of the proposed amendment; and

**WHEREAS**, at the Planning Commission at a public hearing of December 3, 2003, the Commission recommended approval of the proposed amendment; and

**WHEREAS**, this Board reviewed the following:

1. Staff report prepared on December 12, 2003 by Fred Gross, Director of Lower Keys Planning Team.
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